

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY LONDON

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FOLLOWING REPEAT OSLO 400 ACTION SECSTATE INFO HELSINKI
MOSCOW STOCKHOLM 30 JANUARY.

QUOTE

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E.O. 11652: N/A

TAGS: ETEL, TSPA, XG, NO

SUBJ: MARITIME SATELLITE SYSTEM

DEPARTMENT PLEASE PASS OTP, FCC, COAST GUARD

MOSCOW PLEASE HOLD FOR DEPUTY ASSISTANT SECRETARY WALDMAN

STOCKHOLM AND HELSINKI PASS O'NEILL

1. U.S. TEAM MET WITH LARGE NORWEGIAN DELEGATION HEADED BY
TORE BOEGH, DEPUTY DIRECTOR GENERAL, MINISTRY OF FOREIGN
AFFAIRS. OTHER GOVERNMENT DEPARTMENTS REPRESENTED WERE
TELECOMMUNICATIONS ADMINISTRATION, MARITIME DIRECTORATE,
MINISTRY OF COMMUNICATIONS, AND MINISTRY OF INDUSTRY.

2. U.S. INTRODUCTORY STATEMENT THAT U.S. WOULD BE PRESENT
IN LONDON PREPARED TO PARTICIPATE IN COOPERATIVE MANNER WAS
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WELL RECEIVED AND SEEMED TO SET CONSTRUCTIVE AND INFORMAL

TONE. HOWEVER, U.S. PROPOSED SOLUTION FOR TWO-TIER AGREEMENT, INTERGOVERNMENTAL AND OPERATIONAL, WAS GREETED WITH OBVIOUS LACK OF ENTHUSIASM, AND ON PART OF SOME NORWEGIAN DELEGATES WITH SERIOUS DISAPPOINTMENT AKIN TO DISPLEASURE.

3. ALTHOUGH THEY LISTENED CAREFULLY TO U.S. VIEWS ON DESIGNATED ENTITY AND NEED TO HAVE SEPARATE OPERATING AGREEMENT TO PERMIT ENTITY'S ASSUMPTION OF FULL FINANCIAL AND OPERATIONAL RESPONSIBILITY, THEIR RESPONSE INDICATED (1) SOME IRRITATION THAT U.S. WAS PROPOSING MAJOR RESHAPING OF POE DRAFT VERY LATE IN THE GAME AFTER DILATORY TACTICS IN POE, AND (2) THAT TWO AGREEMENTS WERE NOT NECESSARY IN ORDER TO TAKE CARE OF U.S. DESIGNATED ENTITY ASSUMING FINANCIAL RESPONSIBILITY WITHOUT USG GUARANTEE. PRINCIPAL SPOKESMAN FOR OPPOSITION TO TWO AGREEMENTS WAS AMBASSADOR SEYERSTED (NOW PROFESSOR AT OSLO UNIVERSITY) WHO LED POE DRAFTING COMMITTEE AND WHO IS CONSIDERED REAL FATHER OF PRESENT DRAFT CONVENTION. HE SUGGESTED THAT DRAFT CONVENTION ARTICLE 6(2) PRESENTLY DEALING WITH GOVERNMENT RESPONSIBILITIES AND FINANCIAL RESPONSIBILITY OF DESIGNATED ENTITY COULD BE REDRAFTED TO SATISFY U.S. POSITION, AND TUS OBVIATE NEED FOR TWO AGREEMENTS.

4. IT IS DIFFICULT TO SAY HOW MUCH OF SEYERSTED'S OPPOSITION COMES FROM HIS PERSONAL RESPONSIBILITY FOR PRESENT CONVENTION DRAFT, BUT CERTAINLY IT APPEARS TO PLAY SOME SIGNIFICANT PART. NONETHELESS HE IS A SMART CAPABLE LAWYER WHO IS HIGHLY RESPECTED BY NORWEGIANS AND WILL HAVE GOOD DEAL TO SAY ABOUT ANY POSSIBLE NORWEGIAN FLEXIBILITY ON THIS ISSUE.

5. WHEN ASKED WHETHER USG COULD POSSIBLY CONSIDER REWORKING PRESENT DRAFT TO ACCOMMODATE OUR DESIGNATED ENTITY POSITION, U.S. TEAM REPLIED THAT DECISION TO RECOMMEND BREAKING CONVENTION INTO TWO AGREEMENTS WAS NOT TAKEN LIGHTLY, BUT ONLY AFTER EXTENSIVE DISCUSSION WITH INTERESTED U.S. AGENCIES AND WITH REPRESENTATION OF U.S. TELECOM SERVICES AND SHIPPING INDUSTRIES. THEREFORE, WE WERE PRESENTING OUR POSITION WITH UTMOST SERIOUSNESS LIMITED OFFICIAL USE

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AND HOPE IT WOULD BE STUDIED SERIOUSLY BY NORWEGIANS.

6. IF NORWEGIANS WISHED TO PRESENT ALTERED LANGUAGE FOR ARTICLE 6(2) IN WRITING WE WOULD GIVE IT SERIOUS CONSIDERATION, BUT THAT NORWEGIANS SHOULD BE AWARE THAT WE HAD FUNDAMENTAL DIFFERENCES WITH EXISTING DRAFT CONVENTION OTHER THAN PROVISION FOR ENTITY'S FINANCIAL AND OPERATIONAL RESPONSIBILITY. FOR EXAMPLE, SPECIFICALLY

THE DIVISION OF POWER BETWEEN ASSEMBLY AND COUNCIL, NORWEGIANS DECLINED SUBMIT ANY NEW DRAFT LANGUAGE FOR ARTICLE 6(2) BUT DID PROMISE TO SEND US A LIST OF SUBSTANTIVE DIFFERENCES THEY HAD WITH OUTLINES OF TWO AGREEMENTS.

7. WHEN NORWEGIAN DELEGATION LEADER REPLIED THAT HE WAS OF VIEW THAT ACCEPTANCE OF U.S. TWO TIER AGREEMENT WAS NOT SIVE QUA NON FOR AGREEMENT IN LONDON, U.S. TEAM REPLIED THAT TI COULD NOT ACCEPT THAT STATEMENT WITHOUT COMMENT OR QUALIFICATION. U.S. VIEW WAS THAT PERHAPS SOMETHING COULD BE WORKED OUT, THAT WHILE THERE WAS NOTHING SACRED ABOUT DOUBLE AGREEMENT U.S. TILL FELT IS WAS BEST SOLUTION; BUT WAS WILLING TO LISTEN FURTHER TO NORWEGIAN COMMENTS ON SUBSTANTIVE DIFFERENCES AFTER THEY HAD READ DRAFT OUTLINE.

8. NORWEGIANS PROMISED TO SEND INFORMALLY, PROBABLY THROUGH EMBASSY OSLO, OUTLINE OF SUBSTANTIVE DIFFERENCES. SUGGESTION WAS MADE THAT PERHAPS U.S. MIGHT GET TOGETHER WITH EUROPEANS PRIOR TO APRIL TO IRON OUT DIFFERENCES AND WORK OUT "PACKAGE DEAL". U.S. TEAM RESPONDED THAT WHILE WILLING TIN PRINCIPLE TO MEETING, THE PRESS OF TIME REMAINING PROBABLY MADE SUCH A MEETING DIFFICULT. ALSO THE LIKELIHOOD OF BEING ABLE TO WORK OUT A "PACKAGE DEAL" BEFORE LONDON SEEMED SOMEWHAT UNREALISTIC;F FOR A GREAT DEAL OF WORK AND STUDY WOULD BE REQUIRED AT CONFERENCE.

9. THE TOUGHNESS OF NORWEGIAN POSITIONS ON TWO AGREEMENTS APPROACH DOES NOT AUGUR WELL FOR OUR REMAINING TALKS ON THIS PARTICULAR SUBJECT IN SCANDINAVIAN COUNTRIES FOR THERE IS LITTLE DOUBT THAT THEY HAVE BEEN IN TOUCH AND WE ARE LIKELY TO ENCOUNTER SIMILAR OPPOSITION ELSEWHERE IN LIMITED OFFICIAL USE

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SCANDINAVIA.

10. SEPTTEL WILL DEAL WITH OTHER SUBJECTS COVERED WITH NORWEGIANS WHERE THERE WAS GENERAL AGREEMENT AND EXCELLENT AIR OF FRIENDSHIP AND CONVIVIALITY. BYRNE UNQUOTE KISSINGER

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